

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-4 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Rejection Under 35 USC 103

Claims 1-4 stand rejected under 35 U.S.C § 103 as being obvious over Stanec (U.S. Patent No. 5,727,584) in view of Yanagisawa (U.S. Patent No. 5,881,981). This rejection is respectfully traversed.

The Examiner states that Stanec states an elastomeric spring installed on the tip of a stand having the base (10) made of an elastic material with a space made in axial symmetry, an installation space (7), a conical in which a basket (2) is positioned, a bottom surface disposed within the installation space, a protruded middle section extending outwardly from a lower section of the base having a hollow hemispherical member (15) with a circular opening disposed at the bottom of the base. The Examiner admits the Stanec does not show an elastomeric spring installed at an end of a musical instrument stand. The Examiner relies on Yanagisawa to teach the idea of installing such a spring on a musical instrument stand. The Examiner feels it would have been obvious to apply the invention of Stanec to a musical instrument stand.

Applicant submits that the amended claims are not obvious over this combination of references. First, Applicant submits that the combination of references do not show or render

obvious all of the features of the original claims. Further, Applicant has amended claim 1 to further define over this combination of references.

Originally, claim 1 described the middle section as extending outwardly to the lower section of the base. While Stanec shows a protruding portion, this is not in the middle of the spring, but rather only at the lower end. Further, claim 1 described the hollow area as a hemispherical member. The hollow area of Stanec appears to be a disk shaped opening with an angled edge. In any case it does not appeared to be hemispherical.

Furthermore, by way of the present amendment, Applicant has added a number of changes to the claims in order to further define over the references. The protruded middle section is now said to extend in a spherical shape formed by a shell wall. The basket in Stanec is an outwardly angled wall and it not spherically shaped in any form. Further, the circular opening is now said to be disposed only at the bottom of the protruded middle section for contacting the floor. While the opening of Stanec is on the bottom, it includes essentially all of the bottom and is not merely an opening in the communication with a hollow center, but rather is the entire bottom part of the center. Further, Applicant has included the description of the hollow central as being a truncated sphere. This is seen in Figure 4b where the hollow portion 40 is spherically shaped, but with the top and bottom being cut off by a horizontal plane.

The Stanec reference clearly does not show this shape for the hollow center nor does the reference show the spherically shaped protruding middle section. Accordingly, Applicant submits that the present invention is different from that of the reference since such a shape is not

Conclusion

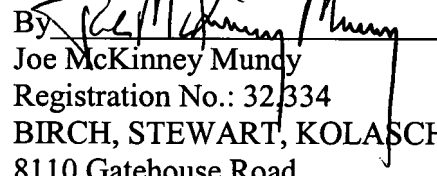
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,


By Joe McKinney Mundy
Registration No.: 32,334
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments

shown. While Yanagisawa shows a rounded protruded middle section, it is not hollow and formed by a shell wall. Nor would the combination of the two references cause one skilled in the art to form a spherical middle section with a hollow inside and a shell wall. In view of this, Applicant submits that claim 1 is allowable over this combination of these references.

Claims 2-4 depend from claim 1 and as such are also considered to be allowable.